GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:5775
ANSWERED ON:10.04.2017
Measures for Protection of Tribals
Udasi Shri Shivkumar Chanabasappa

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Government has reckoned the uncertainties prevailing in the 'land rights' and 'use rights' though ensured under the Scheduled Tribes and assorted Traditional Forest Dwellers Act of 2006 and if so, the details thereof;

(b) the concentrated and special focus being paid by the Government on tribes and other forest dwellers in Central Indian States;

(c) whether effective legal aid has been provided to the affected families and if so, the details thereof; and

(d) whether corrective measures have been taken in cases of discrimination in implementation of reform measures mooted for the protection of tribals and if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI JASWANTSINH BHABHOR)

(a) With a view to ensuring that the Scheduled Tribes and the Other Traditional Forest Dwellers are ensured of their rights, several provisions have been made in "The Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) (Recognition of Forest Rights) Act, 2006 (FRA in short). The specific provisions of FRA which ensure the rights and livelihood of forest dwelling STs and OTFDs on all forest land are at Annex.

(b) The FRA extends to the whole of India except the State of Jammu and Kashmir and is administered by the Ministry of Tribal Affairs. Implementation of the Act is the responsibility of the State Governments and UT administrations.

(c) 'The Legal Services Authorities Act, 1987' provides free legal aid to members of Scheduled Tribe.

(d) 'The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989' has been introduced to prevent the commission of offences of atrocities against members of the Scheduled Castes and the Scheduled Tribes, to provide for the trial of such offences and for the relief of rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.
Wrongfully dispossessing member of Scheduled Castes or a Scheduled Tribe from his land or premises or interfering with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroying the crops or taking away the produce therefrom amount to atrocities and are subject to punishment under the said Act.
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Annex
Statement in reply to part (a) of L.S.U.Q.No. 5775 for 10.04.2017 asked by Sh. Shivkumar Udasi, M.P. on 'Measures for protection of Tribals'.
Section 3 (1) For the purposes of this Act, the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely:-
(a) right to hold and live in the forest land under the individual or common occupation for habitation or for, self-cultivation for livelihood by a member or members of a forest dwelling Scheduled-Tribe or other traditional forest-dwellers;
(b) community rights such as nistar"", by whatever name called, including those used in erstwhile Princely States, Zamindari or such intermediary. regimes;
(c) right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
(d) other community rights of uses or entitlement such as" fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
(e) rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities;
(f) rights in or over disputed lands under any nomenclature in any State where claims are disputed;
(g) rights for conversion of Pattas or leases or grants issued by any local authority or any State Government on forest lands to titles;
(h) rights of settlement and conversion of all forest villages, old habitation, unsurveyed villages and other villages in forests, whether recorded, notified or not into revenue villages;
(i) right to protect, regenerate or conserve or manage any community forest resource which they have been traditionally protecting and conserving for sustainable use;
(j) rights which are recognised under any State law or laws of any Autonomous District Council or Autonomous Regional Council or which are accepted as rights of tribals under any traditional or customary law of the concerned tribes of any State;

(k) right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
(l) any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal;
(m) right to in situ rehabilitation including alternative land in cases where the Scheduled Tribes and other traditional forest dwellers have been illegally evicted or displaced from forest land of any description without receiving their legal entitlement to rehabilitation prior to the 13th day of December, 2005.
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